

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

NATHAN L. STILTNER,	:	Case No. 1:19-cv-150
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
MARTY V. DONINI, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 40) AND
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on August 25, 2020, submitted a Report and Recommendation. Pursuant Fed. R. Civ. P. 72(b), Plaintiff had fourteen (14) days to file objections to the Report and Recommendation. On September 11, 2020, Plaintiff filed an untimely motion for an extension of time to file objections. (Doc. 42). Plaintiff subsequently filed objections to the Report and Recommendation on September 15, 2020. (Doc. 43). Plaintiff's objections ultimately lack merit, but the Court will **GRANT** Plaintiff's motion for extension of time (Doc. 42) and deem Plaintiff's objections (Doc. 43) timely.

After reviewing the Report and Recommendation, Plaintiff's objections, and the case record, the Court finds that Plaintiff's objections are not well-taken. Generally,

Plaintiff's objections do not identify errors of the Magistrate Judge, but seek to reargue the motion for summary judgment. Nevertheless, the Court will address arguments raised in Plaintiff's objections.

First, Plaintiff seems to suggest that the improperly reviewed Plaintiff's disputed record and did not construe disputed probative record evidence. (Doc. 43 at 2). The Court finds that the Magistrate Judge used the proper standard of review (Doc. 40 at 2–3) and properly reviewed all evidence in the record (*see id.* at 3–8) and construed facts in Plaintiff's favor “except for instances in which unrebutted record evidence flatly contradicts Plaintiff's allegations.” (*Id.* at 3).

Next, Plaintiff addresses the Report and Recommendation's analysis, but the primary objection is that the “Magistrate Judge is weighing of the record evidence and making credibility determination that are prohibited at summary judgment.” (Doc. 43 at 3). After a careful review of the analysis in the Report and Recommendation and the parties' briefs on the motion for summary judgment, the Court finds that the Magistrate Judge properly considered record evidence and did not make any improper credibility determinations. The Magistrate Judge's analysis of the claims in Plaintiff's complaint were thorough, and the Court agrees with their conclusions. (Doc. 40 at 8–17).

The Court finds that Plaintiff's objections do not identify any actual errors in the Report and Recommendation, but instead disagree with its findings and conclusion. Accordingly, the Court agrees with the Report and Recommendation that Defendants' motion for summary judgment should be granted because “there is no genuine issue of material fact on whether Plaintiff was deprived of any constitutional right, or whether the

County's policies were the moving force behind any alleged constitutional violation.”
(*Id.* at 17).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that Plaintiff's objections (Doc. 43) should be and are hereby **OVERRULED** and the Report and Recommendation (Doc. 40) should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) Defendants' motion for summary judgment (Doc. 33) is **GRANTED**.
- 2) Plaintiff's motion objecting to the Magistrate Judge's Order (Doc. 20) is **DENIED as moot**.
- 3) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 9/28/2020

s/Timothy S. Black
Timothy S. Black
United States District Judge